

C. Howard  
w/encls



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

SEP 21 2004

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mrs. Mary Lou Capichioni  
Director, Remedial Services  
Environmental, Health & Regulatory Services  
The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, Ohio 44115-1075

**Re: Administrative Order on Consent for Remedial Investigation/Feasibility Study**  
**Index No. II CERCLA-02-99-2035**  
**Section XX - Reimbursement**  
**United States Avenue Burn Site**

Dear Mrs. Capichioni:

The enclosed accounting has been prepared by the U.S. Environmental Protection Agency (EPA) for the recovery of response costs, including oversight costs, which have been incurred by the EPA with respect to the Remedial Investigation/Feasibility Study (RI/FS) for the United States Avenue Burn Superfund Site under the authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. 9601 et seq. This accounting is being forwarded to you in accordance with Section XX of the September 30, 1999 Administrative Order on Consent (AOC) for RI/FS between the United States and the Sherwin-Williams Company (SWC).

Enclosed is a SCORPIOS Report, including an itemized cost summary of EPA's response costs, and a Bill for Collection, No. 023304T076 for the site. This accounting includes costs incurred between October 1, 2002 and September 30, 2003.

In accordance with the enclosed bill, please remit the amount of \$ 35,523.86 for the U.S. Avenue Burn Site within 30 days of receipt of this letter. We would prefer that you pay the amount due via electronic funds transfer (EFT).



To effect this payment via EFT, please instruct your bank to remit payment in the billed amount to EPA's account with Mellon Bank using the following information:

- i. Amount of payment: **\$ 35,523.86**
- ii. Title of Mellon Bank account to receive the payment: **EPA**
- iii. Account code for Mellon Bank account receiving the payment: **9108544**
- iv. Mellon Bank ABA Routing Number: **043000261**
- v. Name of remitter: **Sherwin-Williams Company**
- vi. Index Number : **II-CERCLA-02-99-2035**
- vii. Site/Spill identifiers: **02 - GE**

To ensure that your payment is properly recorded, you should send a letter, within one week of the EFT, which references the date of the EFT, the payment amount, the name of the Site, the index number, and your name and address to:

Mr. Ray Klimcsak  
New Jersey Remediation Branch  
U.S. EPA - Region 2  
290 Broadway, 19<sup>th</sup> Floor  
New York, NY 10007-1866

Mr. Carl Howard, Esq.  
Office of Regional Counsel  
U.S. EPA - Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

**Mrs. Donna Vizian-McCabe, Chief  
Financial Management Branch  
Office of Policy and Management  
U.S. EPA - Region 2  
290 Broadway, 29<sup>th</sup> Floor  
New York, NY 10007-1866**

The United States reserves its right to recover any costs incurred during the period covered by this accounting but not included in this billing, and all other oversight and response costs pursuant to the AOC.

Pursuant to the Settlement Agreement, dated July 2002, between the United States and SWC, EPA recognizes that it must waive the "first" \$500,000 of its past response costs. A detailed description of the costs comprising that first \$500,000 will follow under separate cover. However, in light of the fact that EPA has issued several previous Bills for Collection to SWC with regard to the Hilliard's Creek Site, U.S. Avenue Burn Site, and Route 561 Dump Site in Gibbsboro, New Jersey and has incurred additional past response costs at these sites, which cumulatively total in excess of \$500,000, and in light of the fact that SWC has failed to pay any

of the outstanding bills or reimburse EPA for any of those costs, EPA has, exclusive of the enclosed bill, incurred greater than \$500,000 in past response costs. It is EPA's position that these costs were incurred by EPA and are not inconsistent with the National Contingency Plan, and, therefore, they are recoverable and thus the waiver does not affect EPA's issuance of the instant bill. Accordingly, EPA requests Sherwin-Williams' payment of the enclosed bill in full by the date set forth above.

In an effort to improve the Superfund program, we are willing to maintain an open dialogue about oversight expectations and work performance. Our goal is to consider ways to optimize oversight with regard to this site. Please contact the Remedial Project Manager for the site, Mr. Ray Klimcsak, of my staff, at (212) 637 - 3916, to discuss oversight expectations or if you have questions regarding this letter. If you have legal questions, please contact Mr. Carl Howard, of the Office of Regional Counsel, at (212) 637 - 3216.

Sincerely yours,



Carole Petersen, Chief  
New Jersey Remediation Branch

Enclosures

cc: Allen Danzig, Esq., SWC w/encls.  
John Gerulis, SWC w/o encls.  
Christopher M. Connor, SWC w/encls.  
John Doyon, NJDEP w/encls.

Summary of Oversight Costs Incurred by EPA  
United States Avenue Burn Superfund Site  
Gibbsboro, New Jersey  
Site ID: 02 - GE

**Explanation of cost categories**

**U.S. AVENUE BURN SITE**

**Regional Payroll: \$ 21,108.97**

This consists of direct EPA personnel charges for time spent by EPA employees overseeing implementation of the requirements of the RI/FS Order, activities performed by the EPA as part of the RI/FS, community relations, reviewing and commenting on deliverables related to the RI/FS, and discussions regarding disputes that have arisen as a result of the RI/FS Order.

**Other Expenditures (OTH): \$ 72.61**

The GRB Environmental Services, Inc. contract costs are related to general record center operation and maintenance of remedial files and includes such items as, but may not be limited to, annual quality assurance reviews and assisting file reviewers.

**Response Action Contract (RAC): \$ 6,532.39**

RAC contracts provide professional architect/engineering, technical, and management services in support of EPA's remedial response and enforcement oversight at Superfund sites. Contract services may include performance of site management; enforcement support, including oversight of a RI/FS and negotiation support; and other technical assistance, including community relations, sampling and analysis support, risk assessment support, report writing or reviewing, and assisting EPA in overseeing PRP activities. The Foster Wheeler Environmental Corporation contract costs relate to preparation for RI/FS oversight activities.

**Indirect Costs: \$ 7,809.89**

Indirect costs are those necessary to the operation of the Superfund program and the support of site cleanup efforts, but which cannot be directly tied to the efforts at any one site. Indirect costs are allocated to particular Superfund sites by means of a methodology established by EPA Headquarters.

**Total Costs: \$ 35,523.86**